

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

NOLLE PROSEQUI

-v.- :

08 Cr. 10 (DLC)

LEONARDO MONTES-REYES, :

Defendant. :

- - - - - x

1. The filing of this nolle prosequi will dispose of this case with respect to the defendant Leonardo Montes-Reyes.

2. On January 2, 2008, Indictment 08 Cr. 10 (DLC) (the "Indictment") was filed, charging LEONARDO MONTES-REYES, the defendant, in two counts: one count of distributing or possessing with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841; and one count of conspiracy to distribute or possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 846.

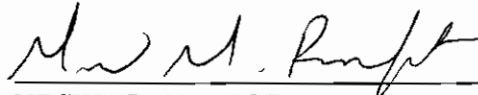
3. On April 14, 2008, the Court issued an Order (the "April 14 Order") granting a motion to suppress physical evidence and statements filed by LEONARDO MONTES-REYES, the defendant.

4. On May 6, 2008, the Government filed a notice of appeal from the April 14 Order. The notice of appeal was withdrawn by stipulation filed on July 25, 2008.

5. Based upon a review of the admissible evidence in the case that remains available following the issuance of the

April 14 Order, the Government has determined not to proceed with the prosecution of LEONARDO MONTES-REYES, the defendant.

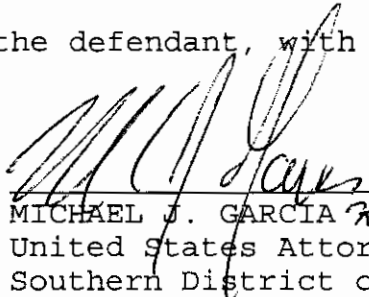
6. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to LEONARDO MONTES-REYES, the defendant, with respect to Indictment 08 Cr. 10 (DLC).



MICHAEL M. ROSENSAFT
Assistant United States Attorney
(212) 637-2366

Dated: New York, New York
August 5, 2008

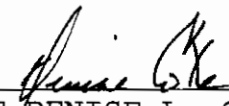
Upon the foregoing recommendation, I hereby direct,
with leave of the Court, that an order of nolle prosequi be filed
as to LEONARDO MONTES-REYES, the defendant, with respect to
Indictment 08 Cr. 10 (DLC).



MICHAEL J. GARCIA *mm* *JP*
United States Attorney
Southern District of New York

Dated: New York, New York
August 6, 2008

SO ORDERED:



HONORABLE DENISE L. COTE
United States District Judge
Southern District of New York

Dated: New York, New York
August 11, 2008